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C O N F I D E N T I A L SECTION 01 OF 02 ISLAMABAD 001894

SIPDIS

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TAGS: [PGOV](#) [PK](#) [PREL](#) [KJUS](#)

SUBJECT: SHOWDOWN MAY LOOM OVER JUDGES' RESTORATION

REF: ISLAMABAD 1867

Classified By: Anne W. Patterson, Reasons 1.4 (b), (d)

¶1. (C) Summary: On May 18, Pakistan's legal fraternities, frustrated with the new GOP's lack of progress to restore the pre-November 3 judges, called for a "long march" on the capital to begin June 10. The lawyers' movement is hoping sympathetic civil society organizations and political parties will join them; Pakistan Muslim League-Nawaz (PML-N), seeing the possibility of electoral gains even at the June 26 by-elections, has given its full-throated support. Meanwhile, according to Law Minister Farooq Naek, his Pakistan People's Party (PPP) and PML-N continue to negotiate "quietly." He has argued that any restoration resolution must be put before a joint session of parliament, not just the National Assembly. Interior Minister Rehman Malik assured the Ambassador May 18 that the PPP could survive a full-on PML-N defection, reaching a count of about 190 National Assembly members. Still, the PPP hoped the PML-N would remain in the coalition, as evidenced by fanciful rumors that President Musharraf had agreed to limit his presidential powers and even resign after one year. The Ambassador discounted such rumors and has strongly encouraged Musharraf and PPP's Zardari to speak directly. For its part, Musharraf's Pakistan Muslim League (PML) is sending mixed (and somewhat disingenuous) messages, calling for a quick restoration of the judges and hoping the current government will continue. End summary.

Marching On  
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¶2. (C) On May 18, Supreme Court Bar Association President Aitzaz Ahsan called for a "long march" by Pakistan's estimated 80,000 lawyers, as well as civil society and political parties, to protest the new GOP's failure to restore the pre-November 3 judges, including former Supreme Court Chief Justice Iftikhar Chaudhry. The march would start from Multan in south-central Punjab, ending in Islamabad.

¶3. (C) A May 18 All Pakistan Lawyers' Representatives Convention in Lahore confirmed Ahsan's decision to march starting June 10. Ahsan promised that the lawyers' movement would not target Army House in Rawalpindi (read Musharraf); on May 18 Interior Minister Rehman Malik expressed those exact fears to the Ambassador, saying he had information the protesters would undertake a provocative march against Army House. Chaudhry's attorney Athar Minallah told PolOff May 15 that the lawyers' movement felt "betrayed by the PPP" and would now "agitate."

¶4. (U) Ahsan added, "The PPP has disappointed the nation by not fulfilling its promise on the reinstatement of the deposed judges." He coupled this statement with the announcement that he would not contest the June 26 by-elections; Ahsan would have run under the PPP banner. Declining to file nomination papers, Ahsan said his candidacy "conflicted with his commitment to the lawyers' movement."

¶5. (C) PML-N Chairman Zafarullahq confirmed May 19 that his party would fully support the lawyers' movement. PML-N President Shahbaz Sharif added that no one would be allowed to put the "judges issue on the back burner."

#### PPP Pivots

¶6. (C) PPP Law Minister Farooq Naek stated May 17 that a resolution to restore the judges would be put before a joint session of parliament "as soon as possible," adding "this may be done before the federal budget is presented," which must occur by June 30. It remains unclear why the PPP now argues that only a joint session of parliament can potentially restore the pre-November 3 judges. Meanwhile, PPP's Co-Chairman Asif Zardari "requested" that Prime Minister Yousuf Raza Gilani pay the deposed judges their salaries for the last five months. Naek earlier revealed to the Ambassador (and Gilani confirmed publicly) that inter-party talks "have begun again."

¶7. (C) Speaking to the Ambassador May 16, Naek claimed that the deposed judges could be easily reinstated by executive

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order, but that it would automatically negate all the Court's decisions that had been taken in the interim. What was needed, he argued, was for the judges to be "re-appointed." Additionally, legislation would need to be passed to increase the Supreme Court bench above its current 17 seats. He derided the PML-N plan to make the current judges "ad hoc," noting that they then would not be permanent, but would just fill any unexpected vacancies.

¶8. (C) Naek further complained that the judges issue was diverting his attention from real judicial reforms. He advocated the creation of a Public Defender's Office, establishment of night courts and small claims courts, and a comprehensive review of Pakistan's criminal code.

¶9. (C) Information Minister Sherry Rehman announced on May 17 that the PPP-led government would not hinder the lawyers' long march. Newly appointed Punjab Governor Salman Taseer even promised to provide food and drink to the marchers. However, PPP Senator Latif Khosa (and senior attorney) said entry of protesting lawyers into Islamabad should be considered as an "aggression" and expressed his serious objections to the lawyers' movement plans. Interior Minister Rehman Malik said he would not allow a disruption by the lawyers.

#### The Rumor Mill

¶10. (C) Meeting with the Ambassador May 18, Interior Minister Malik complained that PML-N's Nawaz Sharif "was clearly trying to bring down the coalition." He claimed, however, that if the PPP "has to go it alone, we can." He counted the support of about 190 votes in the 342-seat National Assembly, expecting the Muttahida Qaumi Movement (MQM), most independents and a "forward block" from Musharraf's Pakistan Muslim League (PML) to join the government, once the PML-N officially left the coalition. Malik said PPP leader Zardari was still not convinced that Nawaz would bolt from the coalition, but Malik was trying to convince him to the contrary and feared the PML-N would sweep any election if the PPP could not re-constitute a government.

¶11. (C) Malik also asked the Ambassador if she had heard that PML-N's Shahbaz Sharif and President Musharraf had agreed the latter would cede his power to dissolve the National Assembly via Constitutional provision 58(2)(b) and would resign from the presidency in one year. Malik further relayed the USG is rumored to have "cleared" this deal in London, referring to A/S Boucher's recent trip through the U.K. The Ambassador said that both parts of this rumor were untrue, highlighting the need for Musharraf and Zardari to meet directly. Malik said he pointed out to Shahbaz the contradiction between allegedly "clearing" a deal with A/S Boucher while shouting loudly that PML-N would never take direction from the U.S.

#### The Opposition Sees an Opening

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¶12. (U) Though PML President Chaudhry Shujaat earlier stated that his "party would table a resolution for the restoration of the judges if the coalition government failed to do so," PML Secretary General Mushahid Hussain said May 14, in a live TV interview, that the coalition should not break up because of disagreement on the judges issue. Hussain added, "The people of Pakistan have high hopes for the new government."

¶13. (C) Comment: Both sides to the judges issue have clearly lost what little trust there was. The PPP cannot admit that it has no interest in restoring the judges, particularly the former Chief Justice; the PML-N cannot so quickly call for new elections for fear that its support of the judges will be uncovered as a political ploy. The lawyers' movement is clearly beginning to organize, not counting on either political party. End comment.

PATTERSON